

BYLAWS

ALASKA LOCAL BOUNDARY COMMISSION

ARTICLE X - ETHICS; FINANCIAL DISCLOSURE; *EX PARTE* CONTACT

Section 1. Commission members are required to comply with AS 39.52.010 - 39.52.960, the Alaska Executive Branch Ethics Act and 9 AAC 52.010 - 9 AAC 52.990, the related ethics regulations. The Commission adopts the general goals advanced by the Executive Branch Ethics Act, which are (1) to discourage public officials from acting upon personal or financial interests in the performance of their public responsibilities; (2) to improve the standards of public service; and (3) to promote and strengthen the faith and confidence of the people of this state in their public officers. As provided by AS 39.52.960(8), the Chair is the designated supervisor for the Commission members. (Eff.5/19/89; am 6/2/09; am 5/10/10) [Editor's note: supplemental ethics standards were first established by resolution of the Commission on May 24, 1988.]

Section 2. Ethics Considerations and Recusal.

(a) In addition to the standards established by the Executive Branch Ethics Act in AS 39.52.010 – 39.52.950 and the related ethics regulations in 9 AAC 52.010 – 9 AAC 52.990, the following rules apply to members of the commission:

(1) Unless exempted under (b) of this section, a member of the commission may not participate in a proceeding before the commission if the member was employed by or had a contract with a party in the proceeding within a two-year period preceding the filing of the proposal with the commission.

(2) Unless exempted under (b) of this section, a member of the commission may not participate in the consideration of a proposal before the commission if the proposal affects an area or territory in which the member resides or owns real property. This subsection applies to action on area or territory that is proposed for annexation, consolidation, detachment, dissolution, incorporation, merger, or reclassification.

(3) Unless exempted under (b) of this section, a member of the commission may not participate in a proceeding if the member has a personal or financial interest in a party to the proceeding or an organization that advocates a position with respect to the proceeding.

(b) Commission members subject to the prohibitions in section 3(a) with respect to a matter before the commission must disclose the circumstances and the chair or the commission will determine whether the member may participate as provided in AS 39.52.220. The chair or a majority of the commission members, excluding the involved member, may waive a prohibition if the involved member's conflict is minor and inconsequential and the member's participation in the matter will not interfere with the full and faithful discharge of duties as a commission member. Examples of a minor and inconsequential conflict include:

(1) The conflict is insignificant in relation to the size, population, and other characteristics of the area or territory encompassed by the petition;

(2) The area or territory that is the subject of the petition is not in close proximity to the residence or other property owned by the member as specified in (a)(2) of this section;

(3) The nature of the interest of the member to a party in the proceeding, or in an organization that advocates a position with respect to the proceeding at issue as specified in (a)(3) of this section, is insignificant.

(c) The procedures for addressing ethics conflicts under this section are those set out in the Executive Branch Ethics Act at AS 39.52.220, 39.52.230, and 39.52.240, and the ethics regulations at 9 AAC 52.120.

(d) A request for recusal of a commission member under this section will be considered in accordance with the provisions of AS 39.52.230.

(e) “Recusal” means withdrawal as, or disqualification of, a commission member in a proceeding because of a conflict of interest, personal prejudice, or some other good reason why the member should not sit in the interest of fairness. (Eff. 5/19/89; am 6/2/09; am 5/10/10)

Section 3. Commission members are also subject to the *ex parte* prohibitions in 3 AAC 110.500. (Eff. 6/2/09; am 5/10/10)

Section 4. Each member of the Commission recognizes the requirements for, and importance of, timely filing an annual financial statement with the Alaska Public Offices Commission under AS 39.50.010 - 39.50.200 and 2 AAC 50.010 - 2 AAC 50.200, 2 AAC 50.450 - 2 AAC 50.470, and 2 AAC 50.905 - 2 AAC 50.920 and that statements must be filed by March 15 for the previous calendar year. Failure to timely file may be cause for removal from the Commission under AS 39.50.080. (Eff. 6/2/09; am 5/10/10)